

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Original Patent

Patentees: Alex Kalnitsky  
Yih-Shung Lin

Patent No.: 5,986,330

Title: ENHANCED PLANARIZATION  
TECHNIQUE FOR AN  
INTEGRATED CIRCUIT

Issued: November 16, 1999

Atty Dk No.: 93-C-023C3



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OFFICE OF PETITIONS

Reissue Application

Applicants: Alex Kalnitsky  
Yih-Shung Lin

Serial No.: 09/998,595

Title: ENHANCED PLANARIZATION  
TECHNIQUE FOR AN  
INTEGRATED CIRCUIT

Filing Date: November 16, 2001

Atty Dk No.: 93-C-023RE (167842)

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Box MISSING PARTS, Washington, D.C. 20231, on this 22<sup>nd</sup> day of July, 2002.

*Kelly Podusen*  
Signature

PETITION FOR APPLICATION SUBMITTED PURSUANT TO 37 C.F.R. § 1.47(a)  
WHERE JOINT INVENTOR MR. YIH-SHUNG LIN CANNOT BE LOCATED AFTER A  
DILIGENT EFFORT TO LOCATE HIM

July 22, 2002

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

08/01/2002 MBERHE 00000040 09998595

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130.00 DP

## STATEMENT OF THE FACTS

1) Following are facts supporting the conclusion that on of the co-inventors, Mr. Yih-Shung Lin, cannot be located after a diligent effort was made to locate him. Therefore, by signing the enclosed Reissue Declaration having an unsigned signature block for Mr. Lin, the other co-inventor, Mr. Alex Kalnitsky, makes this application for reissue on behalf of himself and Mr. Lin pursuant to MPEP § 409.03(a).

2) Mr. Yih-Shung Lin left STMicroelectronics, Inc. (ST) before February 20, 2002.

3) Before February 20, 2002, the last-known address, place of employment, and cell-phone number that ST had for Mr. Yih-Shung Lin were as follows: #02-04, Horizon Tower East, 15 Leoni Hill Road, Singapore 0923; Tencor (located in Taiwan); and, 65-9677-7138. ST, however, did not have a mailing address for Tencor.

4) On or before February 20, 2002, Mr. Robert McCutcheon, a patent attorney who was employed by ST at the time but is no longer employed by ST, obtained the following email address and fax number for Mr. Yih-Shung Lin: yih.shung.lin@kla-tencor.com and 65-365-0736.

5) On February 20, 2002, Ms. Mary Hiner, a patent assistant at ST, called Mr. Lin's last-know cell-phone number 65-9677-7138. A woman who spoke broken English answered. Although Ms. Hiner had a hard time understanding her, from the conversation Ms. Hiner believed that this woman was Mr. Lin's wife. Mr. Lin's wife gave Ms. Hiner another cell-phone number, 886-911-238-648, for Mr. Lin.

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6) On February 21, 2002, Ms. Hiner called 886-911-238-648. A man, who Ms. Hiner believed to be Mr. Lin, answered and said in broken English "I'm in a meeting, call in about one and a half hours." Approximately one and a half hours later, Ms. Hiner called back and was connected to what she believed was Mr. Lin's voice mail. There was a greeting in Chinese followed by a beep. After the beep, Ms. Hiner left a message in English explaining that ST needed Mr. Lin to review a reissue application based on one of his U.S. patents and to execute a reissue declaration, and asking Mr. Lin to return Ms. Hiner's call and provide an address where ST could send the reissue application and declaration.

7) On February 22, 2002, Ms. Hiner again called 886-911-238-648. No one answered, so Ms. Hiner left another message in English explaining that ST needed Mr. Lin to review a reissue application based on one of his U.S. patents and to execute a reissue declaration, and asking Mr. Lin to return Ms. Hiner's call and provide an address where ST could send the reissue application and declaration. Ms. Hiner also drafted a similar request and sent it via email to yih.shung.lin@kla-tencor.com, but later received an email notification that her email message was undeliverable. Ms. Hiner also attempted to fax the request to Mr. Lin at 65-365-0736, but the fax did not go through.

8) Neither Mr. Lin nor anyone else ever returned Ms. Hiner's calls or otherwise responded to her inquiries.

9) Neither I, Ms. Hiner, nor any other persons in the patent department at ST know Mr. Lin's whereabouts or how to contact him.

10) I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11) The required Petition fee of \$130.00 is enclosed in the form of a check. However, should further payment be required to cover such fees, or excess payment is enclosed, you are hereby authorized to charge such payment or credit such overpayment to Deposit Account No. 07-1897.

DATED this 22<sup>nd</sup> day of July 2002.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



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Enclosures

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